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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TAYLOR, JOSHUA D	

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2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/806,977	CARLE ET AL.	
	Examiner	Art Unit	
	JOSHUA TAYLOR	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/28/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-29, filed on 5/20/2008, have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-7 and 10-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Soloff et al. (Pub. No.: US 2003/0192059) in view of Cezeaux (Pub. No.: US 2002/0199184).

Regarding claim 1, Soloff discloses **a method comprising: initializing a client device, wherein the client device has an associated identifier** (paragraph [0036], lines 28-31)**; communicating the identifier associated with the client device to a configuration server** (paragraph [0048], lines 1-7) **wherein the configuration server stores configuration information associated with the client device** (paragraph 11, lines 5-7) **for communication to the client device** (paragraph [0020], lines 13-16. Soloff discloses downloading information from the central repository to the client device)**; applying the configuration information to the client device** (paragraph [0020], lines 16-22)**; and receiving video data from the configuration server** (paragraph [0012], lines 2-9. A television channel contains audio and video data)**.**

Soloff does not disclose receiving information from the server every time the client device needs configuration information. However, in analogous art, Cezeaux teaches **receiving the configuration information at the client device from the configuration server each time the client device is to perform a task which requires application of the configuration information associated with the client device** (paragraph [0027], lines 26-29. Cezeaux teaches that a set-top box may maintain no local copy, but rather retrieve configuration information on an as-needed basis from a remote server). Therefore, it would have been obvious to one or ordinary skill in the art at the time of the invention to modify Soloff to include the as-needed data downloads of Cezeaux. This would have produced a highly desirable result, in that reducing the amount of memory necessary in the set-top box would decrease the initial cost of said set-top box.

Regarding claim 2, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 1,** and Soloff further discloses **comprising communicating the received video data to a display device** (Soloff, paragraph [0012], Lines 2-9).

Regarding claim 3, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 1,** and Soloff further discloses **wherein the received data includes audio data** (Soloff, paragraph [0012], lines 2-9. A television channel contains audio and video data).

Regarding claim 4, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 1,** and Soloff further discloses **comprising: receiving a request to perform a task from a user of the client device; requesting additional configuration information associated with the task from the configuration server; receiving the additional**

configuration information from the configuration server; and applying the additional configuration information to the client device (paragraph [0011], lines 11-13).

Regarding claim 6, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 1,** and Soloff further discloses **wherein the client device is a set top box** (paragraph [0012], Lines 7-9).

Regarding claim 7, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 1,** and Soloff further discloses **wherein the client device is a display device** (paragraph [0012], Lines 2-9).

Regarding claim 10, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 1,** and Soloff further discloses **comprising discarding the configuration information after applying the configuration information to the client device** (paragraph [0020], Lines 13-22. Soloff discloses use of a time stamp so that multiple users will have the most recently updated information, which inherently means that other information has been discarded).

Regarding claim 11, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 1,** and Soloff further discloses **comprising: receiving changes to the configuration information; applying the received changes to the client device; and communicating the received changes to the configuration server** (paragraph [0017], lines 10-12).

Regarding claim 12, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 1,** and Soloff further discloses **comprising applying the configuration**

information to multiple client devices, whereby each of the multiple client devices receives identical configuration information (paragraph [0020], lines 16-22).

Regarding claim 13, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 1 further comprising: accessing the configuration server that contains configuration information associated with the client device; and changing the configuration information associated with the client device** (paragraph [0017], Lines 10-12).

Regarding claim 14, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 13 wherein the changes to the configuration information are applied to the client device during subsequent initializations of the client device** (paragraph [0011], Lines 8-12).

Regarding claim 15, the combined teachings of Soloff and Cezeaux disclose **one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 1.** This claim is rejected on the same grounds as claim 1, as the method of claim 1 would inherently be executed by a processor, and thus would need to be stored on computer-readable memories.

Regarding claim 16, Soloff discloses **a method comprising: receiving an identifier from a client device** (paragraph [0048], lines 1-7)**; identifying the requested configuration information associated with the client device based on the received identifier** (paragraph [0042], lines 1-9)**; and communicating video data to the client device for display on a display device** (paragraph [0012], lines 2-9. A television channel contains audio and video data). Soloff does not disclose requesting and receiving information from the server every time the client device needs configuration information. However, in analogous art, Cezeaux teaches

receiving a request for configuration information associated with the client device from the client device (Fig. 14, paragraph [0040], lines 30-40)**, each time the client device is to perform a task which requires application of the configuration information associated with the client device; communicating the requested configuration information to the client device** (paragraph [0027], lines 26-29. Cezeaux teaches that a set-top box may maintain no local copy, but rather request and retrieve configuration information on an as-needed basis from a remote server)**.** Therefore, it would have been obvious to one or ordinary skill in the art at the time of the invention to modify Soloff to include the as-needed data downloads of Cezeaux. This would have produced a highly desirable result, in that reducing the amount of memory necessary in the set-top box would decrease the initial cost of said set-top box.

Regarding claim 17: **A method as recited in claim 16 further comprising: receiving a request for configuration information associated with the client device from another server; and communicating the requested configuration information to the other server.** This claim is rejected on the same grounds as claim 16, as claim 16 does not specify which server the client device is associated with, therefore specifying another server does nothing to narrow the claim.

Regarding claim 18: **A method as recited in claim 16 further comprising receiving modified configuration information from the client device** (Soloff, paragraph [0014], lines 3-9)**.** This claim is rejected under the same reasons as claim 16. The only difference between this claim and claim 16 is that modified configuration information is received from the client device. Soloff discloses that the information will be modified by the user, and so it would have been

obvious to a person of ordinary skill in the art at the time of the invention that the configuration information being received could have been modified.

Regarding claim 19: **A method as recited in claim 18 further comprising storing the modified configuration information** (Soloff, paragraph [0014], lines 3-9)**.** This claim is rejected under the same reasons as claim 18. The only difference between this claim and claim 18 is that modified configuration information is stored. Soloff discloses that the information will be stored (the title of Soloff's invention is "System and method for persistent storage of common user information for interactive television using a centrally located repository"), and so it would have been obvious to a person of ordinary skill in the art at the time of the invention that the configuration information being received could be stored.

Regarding claim 20: **A method as recited in claim 18 further comprising communicating the modified configuration information to the client device during subsequent requests for configuration information from the client device** (Cezeaux, paragraph [0027], lines 26-29)**.** This claim is rejected under the same reasons as claim 19.

Regarding claim 21: **One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 16.** This claim is rejected on the same grounds as claim 16, as the method of claim 16 would inherently be executed by a processor, and thus would need to be stored on computer-readable memories.

Regarding claim 22: **One or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more**

processors to: receive a request from a user that a client device perform a task determine that configuration information associated with the client device is needed to perform the requested task; request the needed configuration information from a configuration server which stores the configuration information associated with the client device for communication to the client device each time the client device is to perform any task which requires application of the configuration information associated with the client device; receive the needed configuration information from the configuration server; apply the needed configuration information; receive video data from the configuration server; and communicate the received video data to a display device. This claim is rejected on the same grounds as claim 16, as it performs the method of claim 16, and the method of claim 16 would inherently be executed by a processor, and thus would need to be stored on computer-readable media.

Regarding claim 23: **One or more computer-readable media as recited in claim 22 wherein the one or more processors further discard the needed configuration information after applying the needed configuration information** (Soloff, paragraph [0020], Lines 13-22). Soloff discloses use of a time stamp so that multiple users will have the most recently updated information, which inherently means that other information has been discarded. Therefore, this claim is rejected on the same grounds as claim 22, as Soloff also discloses the concept of discarding information.

Regarding claim 24: **One or more computer-readable media as recited in claim 22 wherein the needed information is applied to a plurality of client devices** (Soloff, paragraph [0013], Lines 3-5)**.** This claim is rejected under the same reasons as claim 22. The only

difference between this claim and claim 22 is that this claim adds "wherein the needed information is applied to a plurality of client devices." Soloff discloses the use of more than one client device. It would have been obvious to a person of ordinary skill in the art at the time of the invention to allow for more than one user device to be used, as this would be highly desirable in that it would allow for a more diverse user population, i.e. those with multiple devices.

Regarding claim 25: **One or more computer-readable media as recited in claim 22 wherein the one or more processors further request the same configuration information in response to a subsequent request to perform the same task.** This claim is rejected on the same grounds as claim 22, as the task would be repeated if the same information were requested.

Claims 5 and 26-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Soloff et al. (Pub. No.: US 2003/0192059) in view of Cezeaux (Pub. No.: US 2002/0199184), and further in view of Finster et al. (Pub. No.: US 2003/0149981).

Regarding claim 5, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 1,** however do not disclose an identifier that is unique to a client device. However, in analogous art Finster teaches **wherein the identifier is a unique identifier which continues to uniquely identity the client device when the client device is relocated from one household to another household** (Fig. 1, element 110, paragraph [0021], lines 11-14. Finster discloses that a set-top box can have a unique identifier associated with the physical device. If the device were relocated to a new location, it would retain that same identifier)**.** Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Soloff and Cezeaux to include a client device that had a identity that travels with the client device. This would have been a desirable feature, as it would allow for the client to relocate and have the remote server still recognize said client's device, and thus provide that device with configuration information if necessary.

Regarding claim 26, Soloff discloses **an apparatus comprising: a communication interface** (paragraph [0036], lines 24-28)**; a storage device** (paragraph [0017], lines 3-7)**, and a processor coupled to the storage device and the communication interface, and wherein the processor is to receive broadcast video data via the communication interface** (paragraph [0012], lines 2-9. A set-top box has a processor that receives broadcast video data)**.** Soloff does not disclose requesting and receiving information from the server every time the client device needs configuration information. However, in analogous art, Cezeaux teaches **wherein the processor is to communicate a request for configuration information and the identifier to a configuration server via the communication interface** (Fig. 14, paragraph [0040], lines 30-40)**, wherein the processor is further to receive configuration information from a configuration server via the communication interface** (paragraph [0027], lines 26-29. Cezeaux teaches that a set-top box may maintain no local copy, but rather request and retrieve configuration information on an as-needed basis from a remote server)**.** Therefore, it would have been obvious to one or ordinary skill in the art at the time of the invention to modify Soloff to include the as-needed data downloads of Cezeaux. This would have produced a highly desirable result, in that reducing the amount of memory necessary in the set-top box would decrease the initial cost of said set-top box. However, Soloff and Cezeaux do not disclose an identifier that is

unique to a client device. In analogous art Finster teaches **a storage device containing an identifier associated with the apparatus, wherein the identifier continues to uniquely identity the apparatus even when the apparatus is relocated from one household to another household** (Fig. 1, element 110, paragraph [0021], lines 11-14. Finster discloses that a set-top box can have a unique identifier associated with the physical device. If the device were relocated to a new location, it would retain that same identifier). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Soloff and Cezeaux to include a client device that had a identity that travels with the client device. This would have been a desirable feature, as it would allow for the client to relocate and have the remote server still recognize said client's device, and thus provide that device with configuration information if necessary.

Regarding claim 27: **An apparatus as recited in claim 26 wherein the processor is further to process the received video data for display on a display device** (Soloff, paragraph [0012], lines 2-9. A television channel contains audio and video data.). This claim adds to claim 26 "wherein the processor is further to process the received video data for display on a display device." Soloff discloses that these devices would be used to display television channels, i.e. video, and thus it would have been obvious to a person of ordinary skill in the art at the time of the invention to allow for the processor to receive video data for display, as this would be highly desirable in that it would allow for the device to perform the multiple tasks it was intended to perform.

Regarding claim 28: **An apparatus as recited in claim 26 further comprising an audio/video output coupled to the processor and configured to communicate the received**

video data to a display device coupled to the audio/video output (Soloff, paragraph [0012], lines 2-9. A television channel contains audio and video data.). This claim is rejected on the same grounds as claim 27.

Regarding claim 29: **An apparatus as recited in claim 26 further comprising a tuner to tune at least one channel associated with the broadcast video data** (Soloff, paragraph [0012], lines 2-9). This claim is rejected on the same grounds as claim 27, as the device disclosed by Soloff has the capability to display broadcast video data.

Claims 8-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Soloff et al. (Pub. No.: US 2003/0195029) in view of Cezeaux (Pub. No.: US 2002/0199184), and further in view of Byers (Pub. No.: US 2003/0161395).

Regarding claim 8, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 1,** however do not disclose wherein the configuration information includes parental control settings to be implemented by the client device. However, in analogous art Byers discloses **wherein the configuration information includes parental control settings to be implemented by the client device** (paragraph [0008], lines 6-10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide parental controls as part of the configuration information. Parental control settings would have been a highly desirable feature in the area of video systems, as it would allow customers to restrict certain users from viewing certain content.

Regarding claim 9, the combined teachings of Soloff and Cezeaux disclose the **method as recited in claim 1,** however do not disclose wherein the configuration information includes a last channel tuned by the client device. However, in analogous art Byers discloses **wherein the configuration information includes a last channel tuned by the client device** (paragraph [0070]-[0072]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide a last channel viewed as part of the configuration information. Storing the last channel viewed would have been a highly desirable feature in the area of video systems, as it would allow customers to more easily keep track of the different channels they are watching.

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/

Examiner, Art Unit 2623

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623